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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,650	02/22/2000	Frank S. Yuan	248/006	2218

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EXAMINER

SNAPP, SANDRA S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 08/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/511,650

Applicant(s)

YUAN, FRANK S.

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

The disclosure is objected to because of the following informalities: on page 17, line 12, the phrase “collecting payment the some period of time” is confusing. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-10, 14-17, 19, and 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 14, and 25 are rejected as being indefinite because it is confusing as to whether the Applicant wants “a plurality” as claimed in dependent claims 7, 14 and 25 or “at least one” as stated in the respective independent claims 1, 12 and 19. Also, the phrase “a plurality of auctions” is in direct contradiction to the preamble of the claim that states, “an auction.”

Claims 7, 8, 9, 14, 16, 25, 26, and 27 are indefinite because it is unclear whether the goods and services recited in these dependent claims are the same as those goods and services recited previously in the respective independent claim (1, 12 or 19) or different.

Claims 9, 16 and 27 have a minor typographical error: the term “apply” in line 2 should be “applies”.

Claims 10, 17 and 28 are indefinite because the phrase “the sales price” lacks proper antecedent basis, “sales price” has not previously been recited either earlier within the dependent claim, or the respective independent claim from which it depends.

Claim 15 has a minor typographical error: the term - -at- - should be inserted prior to "least one of the sellers."

Claim 19 is indefinite because the phrase "the auctioned goods" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6-20, and 24-30 are rejected under 35 U.S.C. 102(b) as being anticipated by the Mandler et al. patent (5732400).

The Mandler patent discloses all the steps of the present invention, in particular a method for providing an auction providing at least one seller and at least one buyer (col. 3, lines 31-35); providing an auction manager (col. 2, lines 66-67 and col. 4, lines 1-19); designating a winner (col. 4, lines 34-42); providing a guarantee by a financial institution such as a bank (col. 4, lines 33-38) (claims 1, 2, 7, 12, 14, 19, 20 and 25); posting the goods online and conducting the auction online (col. 3, lines 2-12) (claims 6, 13 and 24); the seller applies online for the guarantee (col. 3, lines 13-15) (claims 8, 15 and 26); the buyer applies online for a credit check (col. 4, lines 3-9) (claims 9, 16 and 27); a portion of the sales price is paid to the auction manager and/or financial institution (col. 5, lines 11-17) (claims 10, 17 and 28); the financial institution receives a commission from the seller in consideration for providing the guarantee (col. 5, lines 11-17) (claims 11 and 29); providing the winning buyer with a period of time, such as 30 days, in

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which to inspect the auctioned goods before payment is due (col. 8, lines 1-15)(claims 12, 18 and 30).

Allowable Subject Matter

Claims 3-5 and 21 - 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Franklin et al., Walker et al., Ferstenberg et al. Aggarwal et al. Huberman, Hartley-Urquhart and Brown patents all disclose online auction systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

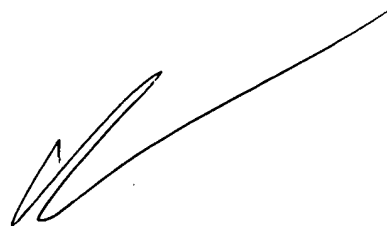
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August 11, 2002



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